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May 5, 2003

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Tenth Street, SW
Washington, D.C. 20554

Re: RM-10403
WRITTEN EX PARTE PRESENTATION

Dear Ms. Dortch:

I am writing to you to express my serious concern over proposed changes to the existing rules governing the use of the license-exempt 902 – 928 MHz spectrum. In particular, I believe that adoption of the rule changes proposed by Progeny LMS, LLC will cause irreparable harm not only to REX-ALP Internet Service's business, but to our customers who rely on the spectrum for affordable broadband access.

REX-ALP Internet Services is a WISP that operates telecommunications networks in Minnesota. I have deployed wireless broadband networks with equipment manufactured by WaveRider Communications Inc. for the 902-928 MHz band. Our networks have been deployed in one community to date, serving more than 700 business and residential subscribers. Our business plan for 2003 includes the deployment of 900 MHz broadband systems in one additional community, with further expansion planned for 2004 and beyond.

The 902-928 MHz spectrum is ideal for the delivery of broadband services in rural communities because of its unique propagation characteristics that enable non-line-of-sight wireless links. In rural areas where there is significant tree coverage and variable terrain, non-line-of-sight capabilities are essential. The technical advantages of the 902-928 MHz band have enabled REX-ALP Internet Services to provide broadband service to customers that could not affordably be reached by any other technology. They have also enabled REX-ALP Internet Services to install community-wide networks without the need for large unsightly antennas on rooftops throughout the communities, thus maintaining the aesthetics that are valued in our markets.

Our continued success and the benefits it provides to consumers are dependent on regulatory certainty for license-exempt use of the 902-928 MHz band. I urge the Commission not to take any action in this matter that would undermine our efforts or the funding necessary to sustain them.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay R. Clark".

Jay R. Clark, Internet System Administrator
REX-ALP Internet Services

<http://home.alexweb.net>

Confirmed

MAY 16 2003

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